

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 1394

Introduced by Senator Lowenthal

February 24, 2012

An act to amend Section ~~57007~~ 17926 of the Health and Safety Code, relating to ~~environmental protection~~ *carbon monoxide devices*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1394, as amended, Lowenthal. ~~Environmental protection: reports.~~
Carbon monoxide devices.

Existing law requires an owner of a dwelling unit intended for human occupancy to install a carbon monoxide device in each existing dwelling, as specified. Existing law requires the installation of carbon monoxide devices in each existing single-family dwelling unit by July 1, 2011, and all other dwelling units by January 1, 2013. The State Housing Law creates standards for buildings used for human habitation. A violation of that law is a crime. Existing law requires an adopting agency or state agency that proposes new building standards to submit those standards for review by the California Building Standards Commission.

This bill would require the installation of carbon monoxide devices in all existing hotel and motel dwelling units by January 1, 2016. The bill would require the Department of Housing and Community Development to adopt building standards to implement those provisions by July 1, 2014. Because the violation of a building standard is a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the California Environmental Protection Agency, and its boards, departments, and offices, to prepare and submit to the Governor and the Legislature various reports containing specified information on the implementation and effectiveness of certain programs, policies, and projects to ensure the protection of natural resources in the state. Existing law requires the agency, and each board, department, and office within the agency, to submit a biennial report to the Governor and Legislature, no later than December 1 with respect to the previous 2 fiscal years, reporting on the extent to which these state agencies have attained their performance objectives, and on their continuous quality improvement efforts.~~

~~This bill would eliminate the requirement for the submission of this biennial report to the Governor and the Legislature.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17926 of the Health and Safety Code is
2 amended to read:

3 17926. (a) An owner of a dwelling unit intended for human
4 occupancy shall install a carbon monoxide device, approved and
5 listed by the State Fire Marshal pursuant to Section 13263, in each
6 existing dwelling unit having a fossil fuel burning heater or
7 appliance, fireplace, or an attached garage, within the earliest
8 applicable time period as follows:

9 (1) For all existing single-family dwelling units intended for
10 human occupancy on or before July 1, 2011.

11 (2) *For all existing hotel and motel dwelling units intended for*
12 *human occupancy on or before January 1, 2016.*

13 ~~(2)–~~

14 (3) For all other existing dwelling units intended for human
15 occupancy on or before January 1, 2013.

16 (b) With respect to the number and placement of carbon
17 monoxide devices, an owner shall install the devices in a manner
18 consistent with building standards applicable to new construction

1 for the relevant type of occupancy or with the manufacturer's
2 instructions, if it is technically feasible to do so.

3 (c) (1) Notwithstanding Section 17995, and except as provided
4 in paragraph (2), a violation of this section is an infraction
5 punishable by a maximum fine of two hundred dollars (\$200) for
6 each offense.

7 (2) Notwithstanding paragraph (1), a property owner shall
8 receive a 30-day notice to correct. If an owner receiving notice
9 fails to correct within that time period, the owner may be assessed
10 the fine pursuant to paragraph (2).

11 (d) No transfer of title shall be invalidated on the basis of a
12 failure to comply with this section, and the exclusive remedy for
13 the failure to comply with this section is an award of actual
14 damages not to exceed one hundred dollars (\$100), exclusive of
15 any court costs and attorney's fees. This subdivision is not intended
16 to affect any duties, rights, or remedies otherwise available at law.

17 (e) A local ordinance requiring carbon monoxide devices may
18 be enacted or amended if the ordinance is consistent with this
19 chapter.

20 (f) *On or before July 1, 2014, the department shall submit for*
21 *adoption and approval pursuant to Chapter 4 (commencing with*
22 *Section 18935) of Part 2.5, building standards for the installation*
23 *of carbon monoxide detectors in hotel and motel dwelling units*
24 *intended for human occupancy. In developing these standards, the*
25 *department shall do both of the following:*

26 (1) *Convene and consult a stakeholder group that includes*
27 *members with expertise in multifamily dwellings, lodging,*
28 *maintenance, and construction.*

29 (2) *Review and consider the most current national codes and*
30 *standards available related to the installation of carbon monoxide*
31 *detection.*

32 (g) *For purposes of this section and Section 17926.1, "dwelling*
33 *unit intended for human occupancy" has the same meaning as that*
34 *term is defined in Section 13262.*

35 SEC. 2. *No reimbursement is required by this act pursuant to*
36 *Section 6 of Article XIII B of the California Constitution because*
37 *the only costs that may be incurred by a local agency or school*
38 *district will be incurred because this act creates a new crime or*
39 *infraction, eliminates a crime or infraction, or changes the penalty*
40 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*
2 *the meaning of Section 6 of Article XIII B of the California*
3 *Constitution.*

4 SECTION 1. ~~Section 57007 of the Health and Safety Code is~~
5 ~~amended to read:~~

6 ~~57007. (a) The agency, and the offices, boards, and~~
7 ~~departments within the agency, shall institute quality government~~
8 ~~programs to achieve increased levels of environmental protection~~
9 ~~and the public's satisfaction through improving the quality,~~
10 ~~efficiency, and cost-effectiveness of the state programs that~~
11 ~~implement and enforce state and federal environmental protection~~
12 ~~statutes. These programs shall be designed to increase the level of~~
13 ~~environmental protection while expediting decisionmaking and~~
14 ~~producing cost savings. The secretary shall create an advisory~~
15 ~~group comprised of state and local government, business,~~
16 ~~environmental, and consumer representatives experienced in quality~~
17 ~~management to provide guidance in that effort. The secretary shall~~
18 ~~develop a model quality management program that local agencies~~
19 ~~charged with implementing air quality, water quality, toxics, solid~~
20 ~~waste, and hazardous waste laws and regulations may use at their~~
21 ~~discretion.~~

22 ~~(b) Nothing in this section abrogates any collective bargaining~~
23 ~~agreement or interferes with any established employee rights.~~

24 ~~(c) For purposes of this section, "quality government program"~~
25 ~~means all of the following:~~

26 ~~(1) A process for obtaining the views of employees, the~~
27 ~~regulated community, the public, environmental organizations,~~
28 ~~and governmental officials with regard to the performance, vision,~~
29 ~~and needs of the agency implementing the quality government~~
30 ~~program.~~

31 ~~(2) A process for developing measurable performance~~
32 ~~objectiveness using the views of the persons and organizations~~
33 ~~specified in paragraph (1).~~

34 ~~(3) Processes for continually improving quality and for training~~
35 ~~agency personnel, using the information obtained from~~
36 ~~implementing paragraphs (1) and (2).~~